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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,530	01/28/2000	Duane J. Pontbriand	60.158-107	2373

26096 7590 06/04/2003

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BIRMINGHAM, MI 48009

EXAMINER
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NOLAN, SANDRA M

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 06/04/2003

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/493,530

Applicant(s)

PONTBRIAND ET AL.

Examiner

Sandra M. Nolan

Art Unit

1772

-- The MAILING DATE of this communication appears n the cover sheet with the correspondenc address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2003 .
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29, 30, 37 and 38 is/are allowed.
- 6) ☒ Claim(s) 21-28 and 31-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_ .

## **DETAILED ACTION**

### ***Claims***

1. Pursuant to entry of the amendment in the response dated 26 March 2003 (Paper No. 19), claims 21-38 are pending.

### ***Rejections Withdrawn***

2. All of the 35 USC 112 rejections set out in sections 7 through 9 of the 26 December 2002 office action (Paper No. 18) are withdrawn in view of the amendments to the claims in Paper No. 19.
3. The 35 USC 103 rejection of claims 4-8, 10-14 and 17-18 as unpatentable over Hsich et al (US 5,972,450) in view of Fotiou (US 5,368,885), as recited in section 11 of Paper No. 18, is withdrawn in view of the arguments set out on pages 5 and 6 of Paper No. 19.

### ***Allowable Subject Matter***

4. Claims 29-30 and 37-38 are allowed. The prior art of record fails to teach or suggest coated tubing having an intermediate metal coating and an outer crust of a polymeric material, produced by applying a polymer/epoxy coating to the intermediate metal coating, thereon.

### ***New Rejection***

#### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 1772

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 21-28 and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsich in view of JP 06329958A (abstract) and the Crea Nova publication (entitled "VESTOSINT for Coil-Coating Systems").

Hsich is discussed in section 11 of Paper No. 18.

It fails to teach epoxy/polyamide coatings on metallic tubing or the electrodeposition of zinc (alloy) on same.

JP 06329958A teaches the use of epoxy/polyamide coatings containing polyamide powders (Basic abstract) on metal surfaces (title) to give corrosion resistance (Use/advantage section).

The Crea Nova publication teaches that VESTOSINT polyamide powder (line 1 of article) is used in coil coatings (title; page 1, second paragraph; page 4, first paragraph) and gives abrasion resistance (page 1, fourth bullet).

The references are analogous because they deal with coatings for metals.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the polyamide particles of the Crea Nova publication

Art Unit: 1772

in the coatings of the Japanese abstract and to coat them onto zinc (alloy)coated metal tubing of Hsich in order to give the coatings corrosion resistance (per the Japanese abstract) and abrasion resistance (per the Crea Nova article).

The motivation to employ the polyamide/epoxy coating of the Japanese abstract in the coated metal tubing suggested by the combination of Hsich, JP 06329958A and Crea Nova is found in its Use/advantage section, where corrosion resistance is taught.

The motivation to employ the polyamide power of Crea Nova in the coated metal tubing suggested by the combination of Hsich, JP 06329958A and Crea Nova is found on page 1, fourth bullet of the article.

It is deemed desirable to make metal tubing that is coated with zinc (alloy) intermediate coatings more corrosion resistant and abrasion resistant in order to improve its useful life.

In the absence of convincing objective evidence to the contrary, it is engineering choice to use electrodeposition to apply zinc-containing coatings to metal tubing.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 21-28 and 31-36 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication should be directed to the Examiner, Sandra M. Nolan, whose telephone number is 703/308-9545. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

Art Unit: 1772

If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 703/308-4251. The general fax number for the art unit is 703/305-5436. The receptionist answers 703/308-0661.



S. M. Nolan  
Patent Examiner  
Technology Center 1700

SMN/smn  
09493530(20)  
02 June 2003